

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN CASAUS,

Petitioner,

v.

Civ. No. 20-1269 WJ/KK

TIMOTHY HATCH,

Respondent.

ORDER GRANTING EXTENSION OF TIME

THIS MATTER is before the Court on Petitioner Steven Casaus's filing titled "Petition for Writ of Habeas Corpus (28 U.S.C. §[] 2254)," dated April 4, 2023, postmarked April 7, 2023, and filed April 10, 2023 (the "Motion"). (Doc. 26.) The Court construes the filing as a motion for an extension of time to file an amended federal habeas petition.

On January 18, 2023, the Court fixed a deadline of February 21, 2023, for Petitioner to voluntarily file an Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 should he so choose. (Doc. 25.) The Court informed Petitioner that if he chooses not to file an amended petition within that deadline, the Court would consider the original Petition and Respondent's Answer to it. (*Id.*) Petitioner did not file an amended petition within the deadline.

In the Motion, Petitioner seeks a "final extension of time" of 90 days to file an amended petition. (Doc. 26 at 1.) In support, Petitioner argues that he has obtained "some legal assistance" to help him address the exhaustion arguments raised by Respondent in the Answer. (Doc. 26 at 1, 2.) Although he has made an untimely request, the Court finds good cause to grant Petitioner one final extension of time within which to file an amended petition if he chooses to do so.

IT IS THEREFORE ORDERED that Petitioner's Motion for an extension of time (Doc. 26) is GRANTED. Petitioner **may file an amended petition on or before July 10, 2023.** Should Petitioner wish to file an amended petition, he should title it "Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254." Should Petitioner choose not to file an amended petition, he is granted leave to file a response to Respondent's Answer to his original Petition addressing Respondent's exhaustion arguments. **Petitioner's response to Respondent's Answer, if any, is due on or before July 10, 2023.**

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE